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6 Attorneys for Defendants  
7 **MARYLAND SQUARE SHOPPING CENTER,**  
8 **LLC, THE HERMAN KISHNER TRUST**  
9 **D/B/A MARYLAND SQUARE SHOPPING**  
10 **CENTER, IRWIN KISHNER, JERRY ENGEL,**  
11 **and PREMIER TRUST, as Trustees for**  
12 **THE HERMAN KISHNER TRUST**

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 **PETER J. VOGGENTHALER; et. al.,**

16 Plaintiffs, Case No.: 2:08-cv-1618-RCJ-(GWF)

17 vs. Consolidated with:

18 **MARYLAND SQUARE, LLC; et. al.,**

19 Defendants. Case No.: 3:09-cv-231-RCJ-(GWF)

**KISHNER DEFENDANTS' MOTION TO FILE**  
**DOCUMENTS, UNDER SEAL**

20 Plaintiffs,

21 vs. /

22 **STATE OF NEVADA, DEPT. OF**  
23 **CONSERVATION AND NATURAL**  
24 **RESOURCES, et. al.,**

25 Plaintiffs,

26 vs. /

27 **MARYLAND SQUARE SHOPPING CENTER,**  
28 **LLC, et. al.,**

29 Defendants. /

30 Defendants **MARYLAND SQUARE SHOPPING CENTER, LLC, THE HERMAN KISHNER**  
31 **TRUST D/B/A MARYLAND SQUARE SHOPPING CENTER, IRWIN KISHNER, JERRY ENGEL, and**  
32 **PREMIER TRUST, as Trustees for THE HERMAN KISHNER TRUST** ("Kishner Defendants"), by

1       their counsel of record, Steven J. Parsons of LAW OFFICES OF STEVEN J. PARSONS, hereby move  
2       the Court fort an Order permitting the filing of certain, confidential and proprietary agreements  
3       between the Kishner Defendants, the Shapiro Defendants and the non-party insurance carriers  
4       of Defendants.

5               On October 9, 2014, the Court entered an Order setting a further Status  
6       Conference/Pre-Trial Conference on November 26, 2014 at 10:00 am in Las Vegas, before  
7       Judge Robert C. Jones. (#1063)

8               In completing one of the objectives of the October 9<sup>th</sup> status conference, Kishner  
9       Defendants report that each and all of the Settlement Agreements ("Agreements") between  
10      the Kishner Defendants, the Shapiro Defendants and those parties' insurance carriers have  
11      now been finalized and fully executed by all of the parties.

12               In a contemporaneously filed Status Report, (Doc. #1066) Kishner Defendants  
13      respectfully asked the Court to consider taking-off calendar the November 26, 2014 Status  
14      Conference/Pre-Trial Conference.

15               The Agreements are by their express terms confidential as each contain certain  
16      proprietary information of the parties. The Agreements are not within the universe of public  
17      documents. Moreover, certain of the insurance carrier-parties to the Agreements have insisted  
18      on the secrecy and non-disclosure to the other insurance carriers of the Agreements and the  
19      sums to be paid and other terms of the Agreements. Each of the Agreements provide for the  
20      disclosure of the Agreements as may be required by law. In addition, in advance of this Status  
21      Report, Kishner Defendants polled each of the parties to the Agreements, and approvals of  
22      disclosure of the Agreements to this Court was without exception or objection by the parties  
23      to the Agreement, so long as the Agreements can be filed *under seal*.

24               Therefore, the parties hereby seek jointly to have the Court issue an Order allowing  
25      Kishner Defendants to file *under seal*, within this matter, the various Agreements between the  
26      insurance carriers, the Kishner Defendants, and the Shapiro Defendants.

27               Upon the Court's entry of its Order permitting the Agreements to be filed *under seal*/with

1 the Court, Kishner Defendants will file *under seal*/the Agreements for the Court's consideration.  
2 Upon review of the Agreements, if the Court's concerns have been satisfied regarding  
3 the settlements and the Court's ongoing enforcement of the injunction, Kishner Defendants  
4 respectfully seek the Court's entry of an Order vacating the further Status Check, set for  
5 Wednesday, November 26, 2014.

6 Dated: Thursday, November 6, 2014.

7 LAW OFFICES OF STEVEN J. PARSONS

8 /s/ Steven J. Parsons  
9 STEVEN J. PARSONS  
Nevada Bar No. 363

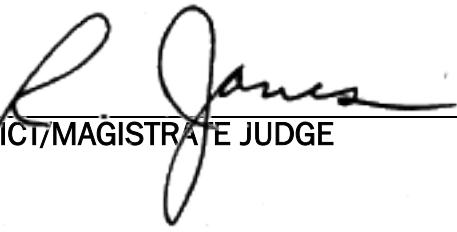
10 Attorneys for Defendants  
11 **MARYLAND SQUARE SHOPPING CENTER, LLC,**  
12 **THE HERMAN KISHNER TRUST D/B/A MARYLAND**  
13 **SQUARE SHOPPING CENTER, IRWIN KISHNER,**  
14 **JERRY ENGEL, and PREMIER TRUST, as Trustees**  
15 **for THE HERMAN KISHNER TRUST**

16 **ORDER**

17 Upon the Court's consideration of the forgoing Kishner Defendants' motion that the  
18 Court enter an Order permitting Kishner Defendants to file the Settlement Agreements *under*  
19 *sea/by* and with Kishner Defendants and Shapiro Defendants and their insurance carriers, and  
20 for good cause set forth,

21 **IT IS SO ORDERED** that the Agreements may be filed with the Clerk of the Court, under  
22 seal.

23 Dated: November 6, 2014.

24   
25 U.S. DISTRICT/MAGISTRATE JUDGE